

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

RAYTHEON COMPANY, §  
§  
*Plaintiff*, § Case No. 2:16-CV-00423-JRG-RSP  
§  
v. §  
§  
CRAY, INC., §  
§  
*Defendant.* §

**ORDER**

Before the Court is the Report and Recommendation filed by Magistrate Judge Payne on March 13, 2017 (Dkt. No. 71) recommending that Defendant Cray Inc.'s Motion to Dismiss under Fed. R. Civ. P. 12(b)(3) and 12(b)(6) (Dkt. No. 23) be denied. Having considered the objections filed by Defendant Cray Inc. (Dkt. No. 72) and finding them to be without sufficient merit, and after a de novo review, the Report and Recommendation is ADOPTED.

IT IS ORDERED AND ADJUDGED that Defendant Cray Inc.'s Motion to Dismiss (Dkt. No. 23) is hereby DENIED.

**So ORDERED and SIGNED this 12th day of April, 2017.**



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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE